

# HOUSE BILL REPORT

## ESHB 1029

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**As Reported by House Committee On:**  
Transportation

**Title:** An act relating to all-terrain vehicles.

**Brief Description:** Regulating ATVs.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Simpson, Rodne, B. Sullivan and Anderson).

**Brief History:**

**Committee Activity:**

Transportation: 1/16/06, 1/25/06 [DP2S].

### Brief Summary of Second Substitute Bill

- Persons under age sixteen must have a safety certificate when driving an all-terrain vehicle (ATV) on public lands.
- The Department of Licensing must create an ATV safety education training program.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 16 members: Representatives Murray, Chair; Wallace, Vice Chair; Appleton, Clibborn, Dickerson, Flannigan, Hankins, Hudgins, Lovick, Morris, Rodne, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

**Minority Report:** Do not pass. Signed by 11 members: Representatives Skinner, Assistant Ranking Minority Member; Buck, Campbell, Curtis, Ericksen, Holmquist, Jarrett, Kilmer, Nixon, Schindler and Shabro.

**Staff:** Teresa Berntsen (786-7301).

#### **Background:**

Current law regulates certain aspects of the use and operation of off-road vehicles (ORVs), which include all-terrain vehicles (ATVs). These regulations include an operating permit requirement, certain equipment standards to lawfully operate on non-highway roads, and various restrictions on the manner and location in which an ORV may be operated.

Current law does not include safety education or training requirements for ORVs.

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**Summary of Second Substitute Bill:**

- Requires the Department of Licensing (DOL) to create a comprehensive ATV safety education and training program. The program must provide hands-on training, and the DOL must issue a safety certificate to those who successfully complete the training. Course content must be adopted from a curriculum developed by a nationally recognized safety organization.
- Beginning July 1, 2007, a person under 16 years of age must possess a safety certificate to operate an ATV on public land. The certificate may be issued by the DOL or an authorized provider, or by another state or Canadian province.
- An ATV operator who has at least one year of operating experience may obtain a safety certificate without training. A nonresident who does not possess a safety certificate may operate an ATV on public land for 21 days a year.
- The DOL must charge \$10 for the safety certificate. The fees must be deposited into the newly created ATV Safety Training and Education Account.
- Requires persons under age 16 to be under continuous adult supervision and to wear a helmet and eye protection while operating an ATV on public land.
- States that no person may carry a passenger when operating an ATV on public land, unless the ATV is specially manufactured to accommodate multiple riders.

**Second Substitute Bill Compared to Engrossed Substitute Bill:**

The second substitute bill changes the effective dates of the ATV safety certificate requirement and the effective date of the bill from January 1, 2007 to January 1, 2008.

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**Appropriation:** None.

**Fiscal Note:** Requested on January 13, 2006.

**Effective Date of Second Substitute Bill:** The bill takes effect on January 1, 2007.

**Testimony For:** According to a 2003 Consumer Product Safety Commission report, from 1997 to 2003 the estimated number of ATV-related injuries requiring hospitalization rose 104 percent. During the same time frame, ATV riders rose 36 percent, the number of ATVs rose 40 percent, and the number of driving hours rose 50 percent. The report also indicated that the risk is substantially higher for drivers under age 16 with less than one year of driving experience. All-terrain vehicle dealers offer training, but the Consumer Product Safety Commission report indicates only about 7 percent of ATV operators took this training, and 44 percent of ATVs are purchased used.

**Testimony Against:** The bill would have a negative fiscal impact. All-terrain vehicle manufacturers already offer free training. Parents are already doing a good job of training their children on how to use ATVs

**Persons Testifying:** (In support) Representative Simpson, prime sponsor; and Andrea Fontenot.

(Opposed) Larry Walker, Washington Road Riders Association.

**Persons Signed In To Testify But Not Testifying:** None.